

EXHIBIT B



U.S. Department of Veterans Affairs
Office of General Counsel

Certified Mail-7014 2120 0000 3511 4276

April 6, 2023

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In Reply Refer To: GCL 499083

Re: Administrative Tort Claim - Pittman, Raleigh H.

Dear Mr. Cheng:

Please let the Pittman Family know that we appreciate their father's service to our country, and extend our condolences to them for their loss.

The Department of Veterans Affairs (VA) has thoroughly investigated the facts and circumstances surrounding the administrative tort claim you have filed. Our adjudication of your claim included a review of your medical records, interviews with medical personnel, and a review of your claim by medical reviewers in different parts of the country.

The Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b) and 2671-2680, under which you filed your claim, provides for monetary compensation when a Government employee, acting within the scope of employment, injures another by a negligent or wrongful act or omission. Medical negligence means there was a breach in the standard of care and that breach proximately caused an injury. The standard of care is the level at which similarly qualified medical professionals would have managed the care under the same or similar circumstances. Our review concluded that there was no negligent or wrongful act on the part of an employee of the Department of Veterans Affairs (VA), acting within the scope of his or her employment that caused you compensable harm. Accordingly, your claim is hereby denied.

If you are dissatisfied with the denial of your claim, you may file suit directly under the FTCA, 28 U.S.C. §§ 1346(b) and 2671-2680. The FTCA provides that when an agency denies an administrative tort claim, the claimant may seek judicial relief in a Federal district court. The claimant must initiate the suit within six (6) months of the mailing of this notice as shown by the date of this denial (28 U.S.C. § 2401(b)). In any lawsuit, the proper party defendant is the United States, not the Department of Veterans Affairs.

Please note that FTCA claims are governed by a combination of Federal and state laws. Some state laws may limit or bar a claim or lawsuit. VA attorneys handling FTCA claims work for the Federal government and cannot provide advice regarding the impact of state laws or state filing requirements.

Sincerely,

Jennifer Hansen
Deputy Chief Counsel

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